

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CHASOM BROWN, et al.,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 20-cv-03664-LHK (SVK)

**ORDER ON ADMINISTRATIVE  
MOTIONS FOR LEAVE TO FILE  
UNDER SEAL**

Re: Dkt. Nos. 321, 333, 339, 340

Before the Court are several administrative motions to file under seal materials associated with discovery disputes in this case. Dkt. 321, 333, 339, 340; *see also* Dkt. 334.

Courts recognize a “general right to inspect and copy public records and documents, including judicial records and documents.” *Kamakana v. City & Cnty. Of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Communs., Inc.*, 435 U.S. 589, 597 & n.7 (1978)). A request to seal court records therefore starts with a “strong presumption in favor of access.” *Kamakana*, 447 F.3d at 1178 (quoting *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)). The standard for overcoming the presumption of public access to court records depends on the purpose for which the records are filed with the court. A party seeking to seal court records relating to motions that are “more than tangentially related to the underlying cause of action” must demonstrate “compelling reasons” that support secrecy. *Ctr. For Auto Safety v. Chrysler Grp.*, 809 F.3d 1092, 1099 (9th Cir. 2016). For records attached to motions that re “not related, or only tangentially related, to the merits of the case,” the lower “good cause” standard of Rule 26(c) applies. *Id.*; *see also Kamakana*, 447 F.3d at 1179. A party moving to seal court records must also comply with the procedures established by Civil Local Rule 79-5.

Here, the “good cause” standard applies because the information the parties seek to seal was submitted to the Court in connection with discovery-related motions, rather than a motion that concerns the merits of the case. The Court may reach different conclusions regarding sealing

these documents under different standards or in a different context. Having considered the motions to seal, supporting declarations, and the pleadings on file, and good cause appearing, the Court **ORDERS** as follows:

**1. Dkt. 321**

Document Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
Plaintiffs' Demonstratives	GRANTED as to redacted portions at: Pages 3-6, 11-14, 16, 18-19, 26, 28-33, 42-51	The Court previously denied this motion to seal without prejudice and gave Google until November 19, 2021 to submit the declaration required under Civil Local Rule 79-5. Dkt. 330. Google submitted the required declaration by the deadline set by the Court. Dkt. 334.  The information requested to be sealed is narrowly tailored to protect Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including details related to project names, cookies, internal identifiers, as well as Google's internal communications and practices with regard to Incognito and its proprietary functions, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors.

**2. Dkt. 333**

Document Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
September 30, 2021 Hearing Transcript	GRANTED as to redacted portions at: 59:17; 65:4-6, 68:13-14; 69:1-2, 9-10, 14	Narrowly tailored to protect confidential technical information regarding sensitive features of Google's internal systems and operations, including Google's internal identifiers/cookies and their

proprietary functions that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors as well as Plaintiffs' personally identifiable information.

### 3. Dkt. 339

Document Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
November 12, 2021 Order	GRANTED as to redacted portions at:  4:9; 4:13; 4:15	Narrowly tailored to protect confidential and proprietary information regarding sensitive features of Google's internal identifiers, systems, projects, data structures, and operations that Google does not share publicly, including particular internal data sources Google was ordered to search for data relating to Plaintiffs, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors.
Exhibit 1 (Brown) to November 12, 2021 Order	GRANTED as to redacted portions at:  Paragraphs 3.1-3.7	Narrowly tailored to protect confidential and proprietary information regarding sensitive features of Google's internal identifiers, systems, projects, data structures, and operations that Google does not share publicly, including particular internal data sources Google was ordered to search for data relating to Plaintiffs, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors.

## 4. Dkt. 340

Document Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
November 4, 2021 Hearing Transcript	GRANTED as to redacted portions at: 9:13; 11:9-10; 11:14; 12:7; 12:19; 13:15-17; 13:19-20; 13:24; 14:4; 14:7-9; 14:14; 14:19; 14:21-22; 15:22-25; 16:1-4; 16:12; 16:14; 16:18-24; 17:1-2; 17:4-5; 17:9-12; 17:16; 19:1; 20:3-5; 21:2; 23:19; 23:22-23; 27:2; 27:13; 28:13-15; 28:24-25; 29:1-4; 29:10-14; 31:18; 31:25; 32:3; 32:19-21; 33:5; 33:12; 33:21; 34:19; 34:22-25; 35:1-6; 35:18-22; 36:1; 36:8-9; 36:19-24; 37:4-7; 37:10; 37:15-16; 37:25; 38-1; 39:2-25; 40:13; 40:25; 41:1-9; 41:11; 41:14-15; 42:12; 42:14-15; 42:20-21; 42:23-25; 43:1; 43:3; 44:16-18; 44:22-25; 45:1-2; 46:4-16; 47:2; 47:6; 49:3-6; 50:6; 50:9-13; 51:9; 51:11-17	Narrowly tailored to protect confidential technical information regarding sensitive features of Google's internal systems and operations, including details related to Google's internal systems, practices, projects, identifiers, cookies, the various types of logs maintained by Google, information contained in those logs, as well as Google's internal communications and practices with regard to Incognito and their proprietary functions, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors.

**SO ORDERED.**

Dated: November 23, 2021



SUSAN VAN KEULEN  
United States Magistrate Judge